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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,712

05/03/2005

Yee Cheok Low

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

HEYI, HENOK G

ART UNIT

PAPER NUMBER

2627

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,712	<b>Applicant(s)</b> LOW, YEE CHEOK	
	<b>Examiner</b> HENOK G. HEYI	<b>Art Unit</b> 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05/03/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 4 is objected to because of the following informalities: On line 6 of claim 4, the word "sensed" is misspelled with double s. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Hashimoto et al. US 2003/0072237 A1 (Hashimoto hereinafter).

Regarding claim 1, Hashimoto teaches an optical disc drive apparatus (see Fig. 1) having a turntable body for rotating a data disc (When an optical disk 15, such as a CD-ROM disk, a CD-DA disk and the like, is placed on a tray (not shown), a clamp mechanism (not shown) is activated to cause the optical disk 15 to engage the shaft of a spindle motor 2 so that the optical disk 15 can be rotated, para [0052]), an optical pickup unit (An optical pickup 3 is located to face opposite the information recording surface of the optical disk 15 so that the optical pickup 3 can read the information from the information recording surface of the optical disk, para [0052]), means for moving the

Art Unit: 2627

optical pickup unit for reading a data disc while the disc is being rotated (The optical pickup 3 is mounted on a thread 4, such as a rack or the like, that may be driven to move in the radial direction of the optical disk 15. Thus, the optical pickup 3 can be moving together with the thread 4 in the radial direction, para [0052]), and means for determining an innermost position of the optical pickup unit (innermost radial position determining means included in the servo controller means and operated to monitor the rotation detect signal generator means for any rotation detect signals produced from the rotation detect signal generator means while the thread driving motor is running, to determine, from the rotation detect signals, whether the thread driving motor ceases to be rotating, and to determine that the optical pickup has reached the innermost radial position of the optical disk when it is determined that the thread driving motor ceases to be rotating, para [0025]), characterized in that the device comprises a means for rotating the turntable body at a speed lower than the operating speed (the seek operation occurs at the minimum speed, para [0041]), means for moving the optical pickup unit towards an innermost position, means for sensing a change in speed as the optical pickup unit contacts the turntable body, and means for producing an indication signal ( $I_{indic}$ ) in response to said sensing of said change (The microcomputer 9 may also use the tacho-pulse to determine whether the optical pickup 3 is located on the innermost radial position. That is, the microcomputer 9 is programmed to implement the innermost radial position determining function according to the present invention, para [0065]).

Art Unit: 2627

Regarding claim 3, Hashimoto teaches a method of controlling the position of an optical pickup unit in an optical disc drive apparatus (An optical pickup 3 is located to face opposite the information recording surface of the optical disk 15 so that the optical pickup 3 can read the information from the information recording surface of the optical disk, para [0052]) having a turntable body (When an optical disk 15, such as a CD-ROM disk, a CD-DA disk and the like, is placed on a tray (not shown), a clamp mechanism (not shown) is activated to cause the optical disk 15 to engage the shaft of a spindle motor 2 so that the optical disk 15 can be rotated, para [0052]), characterized in that the turntable body is rotated at a speed lower than the operating speed (the seek operation occurs at the minimum speed, para [0041]), the optical pickup unit is moved towards an innermost position, a change in speed is sensed as the optical pickup unit contacts the turntable body, and an indication signal ( $I_{indic}$ ) is produced in response to said sensing of said change (The microcomputer 9 may also use the tachopulse to determine whether the optical pickup 3 is located on the innermost radial position. That is, the microcomputer 9 is programmed to implement the innermost radial position determining function according to the present invention, para [0065]).

Regarding claim 4, Hashimoto teaches a method of detecting an innermost position of an optical pickup head in an optical disc drive apparatus having a turntable body (An optical pickup 3 is located to face opposite the information recording surface of the optical disk 15 so that the optical pickup 3 can read the information from the information recording surface of the optical disk, para [0052]), characterized in that the turntable body is rotated at a speed lower than the operating speed (the seek operation

Art Unit: 2627

occurs at the minimum speed, para [0041]), the optical pickup unit is moved towards an innermost position, a change in speed is sensed as the optical pickup unit contacts the turntable body, and an indication signal ( $I_{indic}$ ) is produced in response to said sensing of said change (The microcomputer 9 may also use the tacho-pulse to determine whether the optical pickup 3 is located on the innermost radial position. That is, the microcomputer 9 is programmed to implement the innermost radial position determining function according to the present invention, para [0065]).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashimoto et al. US 2003/0072237 A1 (Hashimoto hereinafter) in view of Yamaguchi et al. 5,847,719 (Yamaguchi hereinafter).

Regarding claims 2 and 5, Hashimoto teaches an optical disc drive apparatus as claimed in claim 1, but Hashimoto fails to explicitly teach that the optical pickup unit comprises a friction pad that is used to contact with the turntable body. However, Yamaguchi teaches a rubber on a pickup having a large coefficient of friction (see col 5 lines 20-25). It would have been obvious to one of ordinary skill in the art at the time the

Art Unit: 2627

invention was made to modify the pickup of Hashimoto so that it will have a rubber acting as a friction pad. The modification would have been obvious because of the benefit of a rubber with large coefficient of friction in stopping the pickup when it comes in contact with the turntable body.

### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENOK G. HEYI whose telephone number is (571)270-1816. The examiner can normally be reached on Monday to Friday 8:30 to 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/  
Supervisory Patent Examiner, Art

Application/Control Number: 10/533,712  
Art Unit: 2627

Page 7

Unit 2627

/Henok G Heyi/  
Examiner, Art Unit 2627